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**FREQUENTLY ASKED QUESTIONS REGARDING THE REFERENDUM TO REPEAL
THE RAVALLI COUNTY GROWTH POLICY AND AMENDMENTS
PASSED NOVEMBER 4, 2008**

1. **Does repeal of the growth policy prevent the Commissioners from adopting another growth policy under 7-5-137, MCA?** Yes. This statute specifically states as follows:

7-5-137. **Effect of repeal or enactment of ordinance by initiative or referendum.** If an ordinance is repealed or enacted pursuant to a proposal initiated by the electors of a local government, **the governing body may not for 2 years reenact or repeal the ordinance.** If during the 2-year period the governing body enacts an ordinance similar to the one repealed pursuant to a referendum of the electors, a suit may be brought to determine whether the new ordinance is a reenactment without material change of the repealed ordinance. This section shall not prevent exercise of the initiative at any time to procure a reenactment of an ordinance repealed pursuant to referendum of the electors.

While there has been discussion regarding whether a growth policy could be enacted that is not materially similar to the prior growth policy, it is the advice of the Ravalli County Attorney's Office that the highlighted language prevents the Commissioners from reenacting a growth policy for 2 years.
2. **Does repeal of the growth policy prevent adoption of county zoning regulations under 76-2-201, MCA?** Yes. Only after a county adopts a growth policy may it adopt zoning regulations under "Part 2" county zoning.
3. **Does repeal of the growth policy repeal the subdivision regulations?** No. 76-1-606, MCA requires subdivision regulations to be made in accordance with any growth policy that has been approved, but a growth policy is not a legal prerequisite to adoption of subdivision regulations. However, Ravalli County subdivision regulations (primarily for variance review) do refer to the growth policy, and that language is being reviewed by Planning staff and the Commissioners for necessary changes.
4. **Does repeal of the growth policy affect the status of the Planning Board?** No. Planning Boards are authorized by 76-1-101, MCA to promote orderly development, and a growth policy is not a legal prerequisite to the formation of a planning board.
5. **Does repeal of the growth policy affect imposition of impact fees?** No. Impact fees are authorized by 7-6-1601 *et seq*, MCA, and a growth policy is not a legal prerequisite for imposition of those fees.
6. **Does repeal of the growth policy repeal the floodplain regulations?** No. 76-5-301, MCA allows local governments to adopt floodplain regulations, and a growth policy is not a legal prerequisite to adoption of those regulations.
7. **Does repeal of the growth policy affect the current Master Park and Recreation Plan?** No. 7-16-2324(3), MCA provides authority for the county to prepare a comprehensive plan for the provision of outdoor recreation and open space within the county. A growth policy is not a legal prerequisite to adoption of such a comprehensive plan, and parks and recreation lands were

specifically eliminated by the items which must be included in a growth policy in the 1999 legislative amendments.

8. **Does repeal of the growth policy affect voluntary zoning districts?** No. Planning and zoning commissions and voluntary zoning districts authorized by 76-2-101 *et seq*, MCA, are available to freeholders whether or not their county has adopted a growth policy. However, our current review criteria for voluntary zoning districts does consider compliance with the growth policy, and that criteria will need to be reviewed by Planning staff and the Commissioners as soon as possible for necessary changes.
9. **Does repeal of the growth policy repeal the Old Corvallis Road, Area 3 plan?** Yes. The Old Corvallis Road, Area 3 plan was written as an amendment, or addition, to the adopted growth policy. The amendment was adopted by the Commissioners pursuant to 76-1-604, MCA, and is subject to the same effect of repeal.